

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Joshua J. Gipson,

Petitioner

v.

Ronald Oliver, et al.,

Respondents

Case No. 2:23-cv-00099-CDS-DJA

**Order Granting
Motion for Extension**

[ECF No. 31]

Counseled petitioner Joshua J. Gipson has filed a motion for extension of time to file his second-amended petition. ECF No. 31. This is Gipson's third request for an extension of this deadline. Gipson's counsel explains that (1) she is currently working with a ballistics expert on this case, (2) she anticipates possibly returning to state court with the expert's upcoming findings, and (3) depending on the expert's findings, she will either be filing the second-amended petition or a motion for stay to return to state court. *Id.* Respondents opposed the motion, arguing that granting an extension to permit Gipson to investigate does not support AEDPA's goals of reducing delay and encouraging petitioners to follow state procedural rules. ECF No. 32. Gipson rebuts that the ballistic expert's upcoming report may show that he is actually innocent, and if that is the case, he is required to return to state court to present a claim of actual innocence based upon new information. ECF No. 33. As such, Gipson contends that he is not conducting a futile investigation or causing unnecessary delay. *Id.* Given Gipson's explanation regarding the ballistics expert and his possible claim of actual innocence, the court finds good cause exists to grant the motion.

It is therefore ordered that the motion for extension of time [ECF No. 31] is granted. Gipson has up to and including July 24, 2024, to file his second-amended petition.

Dated: May 30, 2024


United States District Judge